

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
625 Broadway, Albany NY 12233-7250

In the Matter of the Alleged Violation  
of provisions of Article 27 of the  
New York State Environmental Conservation  
Law, and Title 6 of the Rules and  
Regulations Promulgated Pursuant  
Thereto.

**NOTICE OF  
FAILURE  
TO SUBMIT  
ANNUAL REPORT**

**CEASE AND DESIST  
DIRECTIVE**

EPA Identification Number: NYP000915744

ISSUED TO: USEPA REGION II

SITE ADDRESS: 100 ROCHESTER ST  
SALAMAMCA, NY

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**PLEASE TAKE NOTICE that:**

1. The Department of Environmental Conservation ("Department") is responsible for the implementation and enforcement of the provisions of Article 27 of the Environmental Conservation Law, the rules and regulations promulgated pursuant thereto, and the provisions of permits issued under such Article; and

2. Section 27-0907 of the Environmental Conservation Law of the State of New York ("ECL") and Sections 372.2(c)(2) & (4), 373-2.5(e) and 373-3.5(e) of Title 6 of the Official Compilation of Codes, Rules and Regulation of the State of New York ("6 NYCRR") requires that you submit your Hazardous Waste Annual Report no later than March 1 for the preceding calendar year; and

3. Your Annual Hazardous Waste Report for calendar year 2003 has not been received in the Department's Albany office; and

4. ECL Section 71-2705.1 provides, in part, "Any person who violates any of the provisions of, or who fails to perform any duty imposed by titles 9, 11 and 13 of Article 27, or any rule or regulation promulgated pursuant thereto...shall be liable in the case of a first violation, for a civil penalty not to exceed twenty-five thousand dollars and an additional penalty of not more than twenty-five thousand dollars for each day during which such violation continues, to be assessed by the commissioner after an opportunity to be heard...or by the court...and, in addition thereto, such person may by similar process be enjoined from continuing such violation...".

THEREFORE, YOU ARE HEREBY DIRECTED to cease the above noted violation and to submit the properly signed and completed Annual Report to the Hazardous Waste Manifest and Reporting Section (518-402-8730) within ten (10) days from the date of this

532101



directive.

PLEASE BE ADVISED that if you did not receive your Annual Report forms for this period, or believe you were not required to submit an Annual Report for the year noted, you should return a copy of this notice and a brief written explanation to the address below.


PLEASE BE FURTHER ADVISED that failure to receive Annual Report forms does not relieve you of your legal obligation to report under ECL 27-0907(6) and 6 NYCRR Sections 372.2(c)(2) & (4), 373-2.5(e) and 373-3.5(e).

Failure to have an up to date annual report on file at your facility at the time of an inspection will result in a violation. The RCRA-C inspector for your region has been notified that, as of this date, this report is delinquent.

If you have properly forwarded your Annual Report over the past ten (10) days, please advise the undersigned of such within the next ten (10) days, in writing, and enclose a copy of the Annual Report.

Failure to respond to this directive will result in formal enforcement action taken against you for these violations, in which the Department will seek monetary penalties. If you have any questions, please contact the undersigned in writing.

DATED: August 31, 2004  
Albany, New York



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Deborah L. Aldrich, P.E.  
Chief  
Hazardous Waste Manifest &  
Reporting Section  
Bureau of Program Management  
Division of Solid & Hazardous  
Materials

cc: Stephen Hamilton, Enforcement Attorney  
Division of Environmental Enforcement  
NYS Department of Environmental Conservation  
  
Regional RCRA-C Inspector

00-00-30



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625 E  
Alba

RETURNS

U.S. EPA. REGION II

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CERTIFIED MAIL

7155 5474 4100 1289 8777 BP  
REMOVAL ACTION

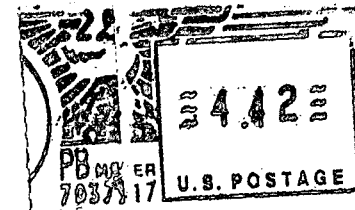
Sender:

U.S. Department of Environmental Conservation

12233- 7250

REQUESTED

NYP000915744  
USEPA REGION II  
2890 WOODBRIDGE AVENUE  
EDISON, NJ 08837



USA CERTIFIED MAIL  
Patents 5,573,277  
5,648,509 \* 5,697,648  
\* USA CMP-113  
Postnet Form

